

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Krukonis et al.	Art Unit:	1731
Serial No.:	10/623,006	Examiner:	Dionne W. Mayes
Filed:	July 18, 2003	Customer No.:	21559
		Confirmation No.:	4588
Title:	REDUCTION OF CONSTITUENTS IN TOBACCO		

REPLY TO OFFICE ACTION

In reply to the final Office action that was mailed in connection with the above-captioned patent application on April 25, 2006, Applicants submit the following Remarks.

REMARKS

The Office has rejected all claims (1–37) as obvious over a single reference, U.S. Patent 2,128,043 entitled “Process of Extracting Nicotine From Tobacco” to James B. Garner (“Garner”). The Office, apparently relying on the general level of skill in the art, rather than any specific disclosures of secondary references, asserts that Garner sufficiently suggested all elements of the claimed invention to render it obvious.

In order to reject Applicants’ claims for obviousness, the Office must put forth a *prima facie* case that meets the legal standard for obviousness found in M.P.E.P. § 2142.

This section states:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference .... Second, there must be a